

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

ROBIN BLACK,

Plaintiff,

v.

SUNPATH, LTD., et al.,

Defendants.

Case No. 3:21-cv-00023

**District Judge William L. Campbell, Jr.
Magistrate Judge Jeffrey S. Frensey**

DEFENDANT SUNPATH, LTD.'S MOTION FOR SUMMARY JUDGMENT

Defendant SunPath, Ltd. ("SunPath"), by and through counsel, hereby moves this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure for summary judgment under in its favor against all of the claims Plaintiff Robin Black has alleged pursuant to the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* There is no dispute that no genuine issues of any material fact exist on the issues that SunPath is in no way directly or vicariously liable for making the allegedly unlawful telephone calls that form the basis of Plaintiff's TCPA claims. Thus, SunPath is entitled to judgment as a matter of law. In support of this Motion, SunPath relies upon the following:

1. The pleadings on file with this Court;
2. SunPath's Statement of Undisputed Material Facts, filed simultaneously herewith;
3. Relevant portions of the transcript of the deposition of Plaintiff Robin Black, filed concurrently hereto as Exhibit 1;
 - Exhibit 1 includes a vehicle service contract purchased by Plaintiff, which was introduced as Exhibit 5 to Plaintiff's deposition;
4. SunPath's Responses to Plaintiff's Discovery Requests, filed concurrently hereto as Exhibit 2;

5. Relevant portions of the transcript of the deposition of Andrew Garcia, as corporate representative of SunPath, filed concurrently hereto as Exhibit 3;
 - Exhibit 3 includes an Agreement between SunPath and Defendant Celtic Marketing, LLC, introduced as Exhibit C to Mr. Garcia's deposition;
6. Plaintiff's Responses to Defendants' Discovery Requests, filed concurrently hereto as Exhibit 4; and
7. A Memorandum of Law filed simultaneously herewith.

Dated: February 28, 2022

Respectfully Submitted,

By: /s/ Cole Dowsley
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Counsel for Defendant SunPath, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2022, the foregoing DEFENDANT SUNPATH, LTD.'S MOTION FOR SUMMARY JUDGMENT was filed through the Court's electronic filing system and will be sent electronically to the parties via the Court's electronic filing system.

/s/ Cole Dowsley
Cole Dowsley